Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes October 19, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 19, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners

Mmes. Merrigan, Noecker, Reveal, Shively, Thao, Wang, Wencl; and

Present:

Messrs. Edgerton, Gelgelu, Lindeke, Nelson, Ochs, Oliver, Schertler, Spaulding,

Ward.

Commissioners

Mmes. *Perrus, *Porter, and Messrs. *Connolly, *Wickiser.

Absent:

*Excused

Also Present:

Lucy Thompson, Patricia James, Josh Williams, Michelle Beaulieu, Bill

Dermody, and Sonja Butler, Department of Planning and Economic

Development staff.

I. Approval of minutes October 5, 2012.

<u>MOTION</u>: Commissioner Reveal moved approval of the minutes of October 5, 2012. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

The Acting Planning Director, Lucy Thompson, gave the report. At City Council on Wednesday, the appeal was granted for the transitional housing at 1093 Edgerton (overturning the Planning Commission's approval of the CUP), and the Wilder rezoning was approved. The nonconforming use public hearing was held as well.

The Mayor's Institute on City Design is here this week, hosted by the Saint Paul Riverfront Corporation, and sponsored by the National Endowment for the Arts and the US Conference of Mayors. At each Institute, Mayors bring a local development/design issue to a two-day session, and seek the advice of other Mayors and selected resource people. The theme for the Saint Paul session is Food and Food Systems. Staff met with the resource people to discuss the vision in the *Greater Lowertown Master Plan* for urban agriculture between Lowertown and the Bruce Vento Nature Sanctuary.

The Request for Proposals for the update of the West Side Flats Master Plan and Development Guidelines was issued last week. The Planning Commission will be appointing a task force, co-

chaired by Commissioner Reveal. In addition to a review of the existing plan, the study area will be expanded to include the area between Robert and the Lafayette/Hwy 52, Plato and the river. Two weeks ago there was an Urban Land Institute (ULI) session, called Saint Paul on the Move, organized by Ms. Thompson. It was about all of the great things happening in downtown Saint Paul, as well as what's on the horizon. Approximately 150 people attended, which is the largest program ever held by the MN chapter of the ULI. A brochure was prepared about downtown Saint Paul, which was passed around for the commissioners to look at. Finally, the City will begin the bidding process for the design-build contract for the regional ballpark on November 30th.

IV. Zoning Committee

Commissioner Nelson reported on the latest developments regarding previous Planning Commission items. Regarding the Pelham Avenue industrial building, a judge ruled in favor of the developer and against the City Council's denial of their site plan. In his decision, the judge ruled that the specifics of the zoning code overrule the general requirements of the Comprehensive Plan, and that the Comprehensive Plan does not hold the same regulatory weight as the zoning code. Ms. Thompson added that the City is not going to appeal the decision, and that if anyone would like a copy of the decision, she can provide one. There were some interesting findings about the relationship between the Comprehensive Plan and the zoning code.

Commissioner Nelson also reported that the transitional housing permit that the Planning Commission approved for Pastor Stockett, where the number of residents exceeded the neighborhood maximum percentage by two persons, was appealed, and the City Council granted the appeal, thus denying the transitional housing. He also reported that the Planning Commission decision on the Rice and Maryland convenience store and gas pump relocation case, which was decided at the last meeting, has been appealed to the City Council.

STAFF SITE PLAN REVIEW - List of current applications. (Tom Beach, 651/266-9086)

No current applications.

NEW BUSINESS

#12-107-924 Urban Village Salon/Spa/Massage Center — Change of nonconforming use permit for beauty salon, spa, and massage center. 134-136 Western Avenue North, NE corner at Laurel. (Michelle Beaulieu, 651/266-6620)

<u>MOTION</u>: Commissioner Nelson moved the Zoning Committee's recommendation to approve the change of nonconforming use subject to an additional condition. The motion carried unanimously on a voice vote.

#12-104-517 Cool Air Mechanical – Conditional use permit for a service business with workshop that is more than 15,000 sq. ft, and variances of three T2 design standards: entrance location, door and window openings, and materials and detailing. 1441-1483 Rice street between Nebraska and Arlington. (Bill Dermody, 651/266-6617)

Commissioner Spaulding raised questions about the variances for door and window openings along Rice Street, as well as building materials and detailing. Rice Street would benefit from

more window openings, even if it is spandrel opaque glass, that would give the idea of "eyes on the street" to improve safety. In addition, in the past, the Planning Commission has not been comfortable with prefab concrete panels, so Commissioner Spaulding asked why in this context a variance would be appropriate.

Commissioner Nelson explained that the interior space will be used for storage. The cost of spandrel glass was also brought up by the architect. It costs about \$45.00 per square foot compared to something like \$15.00 per square foot for tilt-up panels. The plans show architectural treatments to the panels. The windows and doors look out over the parking lot and face the other buildings, which increases security in that area.

Commissioner Merrigan said the Committee asked a lot of questions about these items at the meeting, and ultimately one of the mitigating factors for her is that the building itself is almost 30 feet from the street, and buffered by rain gardens and landscaping. An entrance canopy turns the corner onto the Rice façade. The Committee felt that these buffers help make the pedestrian experience more comfortable.

Commissioner Spaulding asked about the lack of specifics regarding what variances were being requested. For example, there is no indication in the report of exactly what building materials will be permitted, just that they are giving a variance to the T2 standard. The Commission should not approve a variance without saying what they expect.

Commissioner Nelson said that the approved site plan must be in substantial compliance with what the Commission approves.

Commissioner Ward noted that the Planning Commission's approval of the Culver's restaurant was based on a specific plan with lots of windows on University, but the final plans did not have those windows. The City came back and said they need to put more windows in to meet the T2 design criteria.

Commissioner Nelson clarified that the motion is to approve variances to the T2 design standards for windows or doors along the street.

<u>MOTION</u>: Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit and variances subject to additional conditions. The motion carried 12-4 (Nelson, Ochs, Spaulding, Ward) on a voice vote.

#12-103-789 Gerdau Ameristeel US Inc. – Conditional use permits for outdoor recycling processing center and for use of a method other than fill to elevate a structure above the regulatory flood protection elevation and variances of site access more than two feet below RFPE and rehabilitation slopes greater than 18%. 740-780 Barge Channel Road, SE of Midwestern Railroad. (Josh Williams, 651/266-6659)

Commissioner Reveal said that, at the hearing, the Committee had asked that the uses be clarified in the resolution, and asked staff if what is in the resolution is acceptable to the applicant.

Josh Williams, PED staff, replied that they are acceptable, since they are based on similar language that is in Gerdau's lease with the Port Authority. It should allow them to operate in the way they need, but it addresses the community concern that shredding not occur on-site.

Commissioner Oliver asked if the full West Side Community Organization (WSCO) board has given their approval. Commissioner Nelson said that the Committee had testimony from WSCO's representative at the hearing in full support of this application.

Commissioner Oliver noticed that one of the buildings is for fluid extraction and removal of oil. He asked if the MPCA or some other agency is covering that with a permit. Mr. Williams said that the MPCA has looked at the plans, and they do not issue an above-ground storage tank permit for tanks under 500 gallons. However, the applicant is meeting MPCA standards with secondary containment for the tanks in the event there is a spill; and the tanks will be pumped out on a regular basis.

Commissioner Lindeke asked if the issue of shredding was primarily a concern about noise or are there other things that are problematic about that use. Mr. Williams said that he thinks noise is a big part of it; shredders use rotary hammers to pound the metal into pieces, which is very loud. Though some of the other operations happening on the site are loud, too, those noise levels are not comparable to a shredder.

Commissioner Nelson commented that one of the conditions is a limitation on hours of operation, which keeps it to daytime business hours of 7:00 a.m. - 5:00 p.m., Monday through Friday and 7:00 a.m. - 12:00 noon on Saturday.

<u>MOTION</u>: Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

Commissioner Nelson announced the item on the agenda for the next Zoning Committee meeting on Thursday, October 25, 2012.

V. Comprehensive Planning Committee

Great River Passage Master Plan Addendum to the Saint Paul Comprehensive Plan - recommendation for adoption. (Lucy Thompson, 651/266-6578)

Commissioner Merrigan said the Committee reviewed the responses from the public hearing and written testimony. The Committee discussed what adopting an addendum to the Comprehensive Plan really means, as well as what additional public process will occur to implement specific recommendations in the Master Plan.

MOTION: Commissioner Merrigan moved the Comprehensive Planning Committee's recommendation to approve the resolution for the Great River Passage Master Plan recommending that the City Council adopt it as an addendum to the Comprehensive Plan. The motion carried 15-0 with I abstention (Spaulding) on a voice vote.

Commissioner Merrigan announced that the next Comprehensive Planning Committee meeting is on Tuesday, October 30, 2012

VI. Neighborhood Planning Committee

Commissioner Oliver reported that, at their last meeting, they discussed the West Grand Avenue Moratorium and Zoning Study. The moratorium on multi-family housing along Grand Avenue between Cretin and Fairview was put in place by the City Council. The Council's request to the Committee to conduct a study suggested some lines of inquiry, which the Commission will address and may add to. One item of discussion was whether to expand the study area to Macalester Street and possibly add Cleveland. The study is also an opportunity to explore what the designations of Mixed-Use Corridor, Residential Corridor and Transit Corridor (from the Comp Plan) really mean from a zoning standpoint. Commissioner Oliver also announced the items on the agenda for the next Neighborhood Committee meeting on Wednesday, October 24, 2012.

VII. Transportation Committee

Commissioner Spaulding said they discussed two items at their last meeting. The East Metro Rail Capacity Study is a study between downtown Saint Paul and Hastings along the river corridor. Three rail lines share right-of-way. Given projected increases just in freight rail, there's a clear need to expand and make some modifications, especially to the east of Lowertown by the Vento Sanctuary and then down near Hastings. The other item discussed was the Gateway Corridor from downtown Saint Paul to points east, potentially as far as Eau Claire, Wisconsin. The alternatives have been narrowed to two to go through the environmental review process. Both of the alignments would go from downtown Saint Paul out to Dayton's Bluff and then along Old Hudson Road along the north side of I-94. Bus rapid transit and light rail transit will be studied. The next Transportation Committee meeting is on Monday, October 29, 2012.

VIII. Communications Committee

Commissioner Thao had no report.

IX. Task Force Reports

X. Old Business

None

XI. New Business

Commissioner Thao announced that it is that time of year again to think about the 2012 Planning Commission holiday party. This year the location will be somewhere in the eastern section of University Avenue.

XII. Adjournment

Meeting adjourned at 9:22 a.m.

Recorded and prepared by Sonja Butler, Planning Commission Secretary Planning and Economic Development Department, City of Saint Paul

Respectfully submitted,

Lucy Thompson

Acting Planning Director

Approved November 2, 2012

(Date)

Daniel Ward II

Secretary of the Planning Commission

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